

Disposition of the Independent Review Panel



Complainant: Nathalie Mathis

IRP Case: A 2003.322

Aggrieved: Towan Mathis

Date: January 5, 2006

MDPD Case: IA2003-0254

The Independent Review Panel met on December 22, 2005 for the purpose of publicly reviewing the complaint made by Nathalie Mathis against the Miami-Dade Police Department and the department's response to that complaint. The following represents the findings of the Panel:

A. Incident

Ms. Mathis' son, Towan, was visiting his father when an unidentified man came to his father's window and said "DT" was in the area ("DT" is a street term for detective). Towan's father then advised him to leave because "he knew it was a bad area and he didn't like me to be around."

As Towan walked towards the bus stop, a car stopped. Officer Willy Knapp stepped out and grabbed him by the wrist. Shortly after, Officer Lourdes Hernandez jumped out of the car and searched Towan with the assistance of Officer Knapp. Towan was placed in the backseat of the car with Officer Knapp and transported to Juvenile Assessment Center. He was charged with Obstruction of Justice.

B. Allegations

Ms. Nathalie Mathis alleges that Officers Lourdes Hernandez and Willy Knapp:

1. Arrested Towan based on racial profiling, and
2. Falsely charged him with Obstruction of Justice.

C. Disposition of the Independent Review Panel

The Panel did not find evidence to support the allegation that Towan Mathis was arrested because of his race.

The allegation that Towan was falsely charged with Obstruction of Justice was never addressed by the court. The charge was based on the testimony of TNT Surveillance Officer Raymond Robertson, who said he heard Towan call out "99," a street term used to indicate police are in the area. According to a memorandum from the State Attorney's Office, "Officer Robertson was not subpoenaed nor amended to the witness list," and as a result, the case was "nolle prossed."

The Independent Review Panel concluded the complaint on December 22, 2005.

Independent Review Panel

Staff Recommendation to the Panel

December 22, 2005

Complaint: A 2003.322

MDPD Case: IA 2003-0254

Complainant: Ms. Nathalie Mathis

Aggrieved Party: Towan Mathis

Accused Party: Miami-Dade Police Department (MDPD), Officers Willy Knapp and Lourdes Hernandez

Date Complaint Received: October 10, 2003

Materials Reviewed: Grievance Report Form, Correspondence, MDPD File IA 2003.0254, staff notes

Complaint: On October 3, 2003, Ms. Mathis wrote a letter to the IRP regarding her son's (Towan Mathis aged 16) encounter with Miami-Dade police officers. Towan stated that while he was visiting his father on September 20, 2003, at approximately 4:00 p.m., an unidentified man came to his father's window and said "DT" was in the area ("DT" is a street term for detective). Towan's father then advised him to leave because "he knew it was a bad area and he didn't like me to be around."

As Towan walked towards the bus stop, he noticed a white car with dark tinted windows approaching him. The car stopped and a man (later identified as Officer Willy Knapp) quickly stepped out and grabbed him by the wrist, telling him to, "Come Here!" Shortly after, a woman (later identified as Officer Lourdes Hernandez) jumped out of the car and searched Towan with the assistance of Officer Knapp. The officers found 2 pencils, 2 pens, a school I.D, and \$3.00 dollars in his pockets. Towan was placed in the backseat of the car with Officer Knapp and transported to Juvenile Assessment Center. He was charged with Obstruction of Justice.

The following is quoted from the narrative of the Arrest Affidavit:

While conducting a TNT operation Det. Robertson observed the defendant and heard him call out "99" street term for police in the area causing the detectives involved to be at risk for their safety. Defendant was arrested.

Ms. Nathalie Mathis alleges that Officers Lourdes Hernandez and Willy Knapp:

1. Arrested Towan based on racial profiling, and
2. Falsely charged him with Obstruction of Justice.

Department Response: MDPD Investigative File IA 2003-0254

The MDPD Disposition Panel found the allegation that Towan's arrest was based on racial profiling to be Not Sustained because there were no witnesses or information to confirm the allegation.

Statements:

Witness Officer Raymond Robertson

Officer Robertson stated that on September 20, 2003, he was conducting a Tactical Narcotics Team (TNT) enforcement operation in the areas of Carol City and Opa-locka. He was the surveillance officer during the operation. Officer Robertson stated Towan and an unidentified older black male were acting as lookouts in the area. Officer Robertson advised that he had an unobstructed view from approximately 30 ft. away and at times, he would hear the conversations between Towan and the unidentified older black male, as it related to police being in the area. Officer Robertson stated that Towan and the black male would wave off potential customers if they observed the "take down teams" in the area.

Officer Robertson advised that he heard Towan call out "99," and in response, the older black male called out "Shut it down." Officer Robertson then issued a Be-On-the-Lookout (BOLO) on the police radio for Towan and the unidentified older black male as they were leaving the area.

Officer Lourdes Hernandez

Officer Hernandez stated that on September 20, 2003, she was working a Tactical Narcotics Team (TNT) operation in the areas of Carol City and Opa-locka with her partner, Willy Knapp. Officer Hernandez advised that the surveillance officer, Officer Robertson, "called out" the description of Towan as the subject who was calling out "99." Officer Hernandez stated that once Officer Robertson issued the BOLO for Towan, they were able to locate and arrest him. Officer Hernandez stated that Towan was arrested on the criminal conduct witnessed by Officer Robertson, and not on the basis of race.

Officer Willy Knapp

Officer Knapp stated that on September 20, 2003, he was working a TNT operation along with his partner Officer Lourdes Hernandez. Officer Knapp stated that Officer Robertson was surveilling a "drug hole" in the area. Officer Robertson advised Officer Knapp and Officer Hernandez about Towan calling out "99," warning the drug hole that police were in the area. Officer Knapp and Officer Hernandez were in the area at the time, and were able to locate Towan and arrest him as the subject who was calling out "99." Officer Knapp stated that Towan was arrested on the criminal conduct witnessed by Officer Robertson, and not based on his race.

An investigator's note indicates that Towan denied calling out "99" while he was in the area of his father's residence or while walking towards the bus stop.

A statement was not taken from Towan's father because the complaint investigator was unable to locate him.

The "Additional Information" section of the Internal Affairs report indicates that on November 25, 2003, Towan's court case was Nolle Prossed. Mr. Jack Calixte, a secretary with the State Attorney's Office, advised that the case was Nolle Prossed because Officer Raymond Robertson was not subpoenaed for the trial. ASA Miranda Lundeen was assigned to the case and she requested a State continuance, which was denied by the judge.

Staff Findings:

Staff did not find evidence to support the allegation that Towan Mathis was arrested because of his race.

The allegation that Towan was falsely charged with Obstruction of Justice was never addressed by the court. The charge was based on the testimony of TNT Surveillance Officer Raymond Robertson, who said he heard Towan call out "99," a street term used to indicate police are in the area. According to a memorandum from the State Attorney's Office, "Officer Robertson was not subpoenaed nor amended to the witness list," and as a result, the case was "nolle prossed."

Recommendations: Staff recommends that the Panel adopt the staff findings and conclude the complaint.